

**Remarks/Arguments:**

Applicants respectfully request that acknowledgement of the certified copy of the foreign priority document filed on May 15, 2006 be provided in the next Official Action.

Claims 1-14 are pending. Claims 1-14 stand rejected. Applicants respectfully request reconsideration of the claims in view of the following.

**Rejections Under 35 U.S.C. § 102**

The Office Action sets forth at page 2, "Claims 1, 11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mojden U.S. Patent No. 5,450,679." Applicants respectfully traverse this rejection for the reasons set forth below.

Applicants' invention, as recited in claim 1, includes features neither disclosed nor suggested by Mojden, namely:

...a stationary curved support track provided below said radial blades, the articles being pushed by the radial blades on and along the support track between a delivery end of an inlet conveyor and a reception end of an outlet conveyor...

...railing means along at least one part of said support track...

...said inlet conveyor is a conveyor adapted to convey articles upright on their base on a transfer surface and said outlet conveyor is an overhead conveyor adapted to convey articles hanging from a projecting configuration on a top part thereof along sustaining guides of the overhead outlet conveyor, with said support track of the transfer unit being connected to vertical movement means that can be driven to adapt the vertical distance between said support track and said sustaining guides of the outlet conveyor to articles having said projecting configuration at different heights. (Emphasis added)

These features are described in applicants' specification, for example, at page 5, line 1 - page 7, line 16, and Figs. 1-4.

Mojden is relied upon as "[disclosing] a thrusting wheel driven in a rotary fashion by driving means with radial blades (10), a curved track support below the radial blades between a delivery end and an inlet conveyor and reception end of outlet conveyor; a railing along the support track where the inlet conveyor (14) conveys articles in a [sic] upright on their base on a transfer surface and the outlet conveyor (16)...is an overhead conveyor adapted to convey

articles hanging from a projecting configuration along lifting guides of the overhead outlet conveyor with a support track of the transfer unit connected to vertical movement that can be driven to adapt the vertical distance between said support track and lifting guides of the outlet conveyor to articles having projecting configurations at different heights..." Applicants respectfully disagree with this overly broad interpretation of Mojden.

Mojden discloses a rotary oven conveyor apparatus for receiving a continuous flow of articles for conveying the articles in an on-edge, spaces apart condition. (See Mojden Abstract.) Indeed, there is absolutely no disclosure or suggestion of any structure by which the articles (can ends 15) are conveyed by hanging from a projecting configuration along sustaining guides while conveyed upright on their base. Indeed, Mojden only discloses that can ends 15 are conveyed on on-end. Additionally, applicants' claimed invention has several distinctions between elements of the Mojden reference. These differences are illustrated below.

- a) The claimed adjustable transfer unit is able to transfer articles in an upright and aligned manner. In sharp contrast, in Mojden's transfer unit, the articles, which are disc-shaped plate elements, are conveyed in an "on-edge" spaced apart condition (col. 4, lines 51-56). Assuming, *arguendo*, that Mojden's "on-edge" position is equivalent to an "upright" position, the edge of the disc-shaped article must necessarily be considered the "base" of the article. If so, then the Mojden's inlet conveyor (see point (e) below) would not be a conveyor adapted to convey articles upright on their base on a transfer surface.
- b) Claim 1 includes a thrusting wheel having radial blades. In sharp contrast, the wheel in the Mojden's transfer unit includes magnetic means for magnetically attracting the articles to the wheel and to maintain the articles in said "on-edge" spaced apart condition on a wheel surface (col. 5, lines 36-42). Thus, this claim element is also lacking from the cited reference.
- c) Claim 1 includes a stationary curved support track provided below said radial blades between a delivery end of an inlet conveyor and a reception end of an outlet conveyor. On the contrary, in Mojden's transfer unit the relied upon wheel surface provides a moving support for the articles as the wheel rotates.

- d) Claim 1 includes railing means along at least one part of the support track. In contrast, this feature is not found in Mojden's transfer unit because the magnetic means maintains the articles attached to the wheel.
- e) Claim 1 includes an inlet conveyor adapted to convey articles upright on their base on a transfer surface. In contrast, in the Mojden's transfer unit the articles are conveyed in a "flat" end-to-end condition on a transfer surface (col. 4, lines 3-9) (see also point (a) above)).
- f) In claim 1, the outlet conveyor is an overhead conveyor adapted to convey articles hanging from a projecting configuration provided on a top part of the articles. In sharp contrast, in the Mojden's transfer unit the articles have no projecting configuration anywhere and are not conveyed in a "hanging" condition.
- g) The claimed overhead outlet conveyor has sustaining guides along which the articles are moved. In contrast, in the Mojden's transfer unit the overhead outlet conveyor includes a pair of parallel rotating conveyors (col. 4, lines 3-9). Applicants' note that the original term "lifting guides" was a mistranslation for the Spanish language term "guías de sustentación" of the priority document. Accordingly, applicants have amended the term to better convey the original intent of the claim.
- h) Claim 1 also includes vertical movement means connected to the support track and able to be driven to adapt the vertical distance between the support track and the sustaining guides of the outlet conveyor to articles having said projecting configuration at different heights. (In the Mojden's transfer unit no reference is made to the problem of accommodating articles having projecting configurations at different heights. Instead, the aim to be achieved by the Mojden patent is to travel the articles through an oven during a sufficient time for curing a coating thereon (col. 4, lines 60-65)).

It is because applicants have included the features of a conveyor adapted to convey articles upright on their base on a transfer surface and said outlet conveyor is an overhead conveyor adapted to convey articles hanging from a projecting configuration on a top part thereof along sustaining guides of the overhead outlet conveyor, with said support track of the transfer unit being connected to vertical movement means that can be driven to adapt the vertical distance between said support track and said sustaining guides of the outlet conveyor

to articles having said projecting configuration at different heights, that applicants are able to provide a system that can easily adapt to a variety of articles as needed. Mojden does not achieve these advantages because Mojden does not include the features of said inlet conveyor is a conveyor adapted to convey articles upright on their base on a transfer surface and said outlet conveyor is an overhead conveyor adapted to convey articles hanging from a projecting configuration on a top part thereof along sustaining guides of the overhead outlet conveyor, with said support track of the transfer unit being connected to vertical movement means that can be driven to adapt the vertical distance between said support track and said sustaining guides of the outlet conveyor to articles having said projecting configuration at different heights.

Because Mojden fails to disclose each and every element of applicants' claimed invention, the rejection of claim 1 as being anticipated by U.S. Patent 5,450,679 to Mojden et al. is improper, should be withdrawn and the claim allowed.

Claims 11 and 14 depend upon claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

#### **Rejections Under 35 U.S.C. § 103**

The Office Action sets forth at pages 3, 4 and 5 that claims 2-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mojden in view of various combinations of Gamberini U.S. Patent No. 4,883,163, Yuri U.S. Patent No. 4,974,716 or Haub U.S. Patent No. 2,362,132. Applicants respectfully traverse these rejections for the reasons set forth below.

As set forth above, with respect to the rejection of claim 1, Mojden fails to disclose each and every feature of applicants' claimed invention. Although Gamberini, Yuri and Haub are relied upon for teaching features of some defendant claims, none of these references make up for the deficiencies of Mojden. Accordingly, applicants will not respond to these rejections at this time and do not agree with the Office that the cited reference discloses the stated features of applicants' invention.

In view of the above, applicants respectfully submit that the rejections of claims 2-10, 12 and 13 as being unpatentable over Mojden in view of Gamberini, Yuri or Haub are improper, should be withdrawn and the claims allowed.

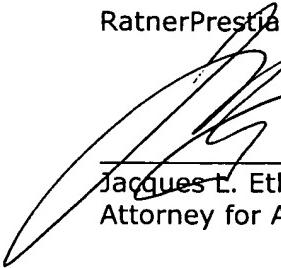
Appn. No.: 10/535,539  
Amendment Dated January 11, 2007  
Reply to Office Action of October 11, 2006

TJA-121US

In view of the amendments and remarks set forth above, applicants submit that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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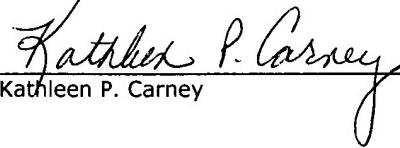
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Dated: January 11, 2007

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